

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN FOWLER,

Plaintiff,

v.

No. CIV 07-0662 JB/RLP

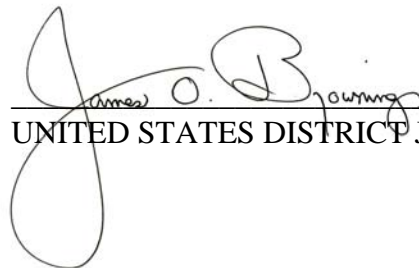
CNSI and NCI,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Plaintiff's Motion to Reconsider Dismissal of NCI as a Defendant, filed February 29, 2008 (Doc. 32). The Court held a hearing on April 29, 2008. The primary issue is whether the Court should reconsider its Memorandum Opinion and Order, filed February 7, 2008 (Doc. 22). For the reasons stated at the hearing, and for reasons stated herein consistent with those already stated, the Court will grant the motion. In light of the Supreme Court of the United States' recent decision in Federal Express Corp. v. Holowecki, No. 06-1322, --- U.S. ---, 2008 WL 508018 (February 27, 2008), the Court will reinstate NCI as a defendant in this matter and stay the proceedings to allow for an opportunity for conciliation and settlement.

IT IS ORDERED that Plaintiff's Motion to Reconsider Dismissal of NCI as a Defendant is granted. NCI is reinstated as a Defendant, and the proceedings are stayed to allow an opportunity for conciliation and settlement.


UNITED STATES DISTRICT JUDGE

Counsel:

Donald G. Gilpin
Torri A. Jacobus
Gilpin & Keefe, P.C.
Albuquerque, New Mexico

Attorneys for the Plaintiff

John G. Kruchko
Kathleen A. Talty
Kruchko & Fries
McLean, Virginia

-- and --

Thomas L. Stahl
Rodey, Dickason, Akin & Robb, P.A.
Albuquerque, New Mexico

*Attorneys for Defendant NCI
Information Systems, Inc.*

Ann M. Conway
Jennifer Davis Hall
Miller Stratvert P.A.
Albuquerque, New Mexico

Attorneys for the Defendant CNSI